

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF
THE NAACP, et al.,

Plaintiffs,

v.

STATE OF GEORGIA, et al.,

Defendants.

CIVIL ACTION FILE

No. 1:21-CV-5338-ELB-SCJ-SDG

THREE-JUDGE COURT

Before BRANCH, Circuit Judge, JONES and GRIMBERG, District Judges.

BY THE COURT:

ORDER

This matter appears before the Court on Plaintiffs' Motion for Leave to File an Amended Complaint. Doc. No. [56].¹ Defendants do not oppose the Motion. Doc. No. [57].

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

On March 4, 2022, Defendants filed their Motion to Dismiss Plaintiffs' Complaint. Doc. No. [47]. On March 30, 2022, Plaintiffs filed their Motion for Leave to File an Amended Complaint. Doc. No. [56]. On April 13, 2022, Defendants responded that they did not oppose Plaintiffs' Motion. Doc. No. [57], 1. Defendants' response also stated that "[a]t such time as the Amended Complaint becomes the operative Complaint in this matter, Defendants will file a renewed motion to dismiss." Id.

"[L]eave to amend shall be freely given when justice so requires, a motion to amend may be denied on numerous grounds such as undue delay, undue prejudice to the defendants, and futility of the amendment." Maynard v. Bd. of Regents, 342 F.3d 1281, 1287 (11th Cir. 2003) (internal quotation marks omitted). Given that the Parties have not begun discovery and Defendants consented to the filing of the Amended Complaint, the Court finds that justice requires that Plaintiffs be allowed to file their Amended Complaint.

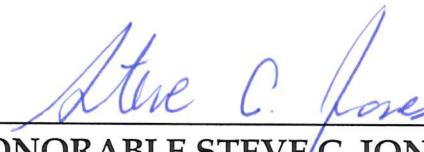
Accordingly, the Court **GRANTS** Plaintiffs' Motion for Leave to File an Amended Complaint. Doc. No. [47]. Because "[a]n amended complaint supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint," Southern Pilot Insurance Co. v. CECS, Inc., 15 F. Supp.

3d 1284, 1287 n.1 (N.D. Ga. 2013) (citing Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006)), the Court also finds that Defendants' Motion to Dismiss Plaintiffs' Complaint (Doc. No. [47]) is due to be denied as moot.

Thus, the Court DIRECTS the Clerk to separately docket Plaintiffs' Amended Complaint (Doc. No. [56-2]) as the operative pleading.

The Court also DENIES as moot Defendants' Motion to Dismiss (Doc. No. [47]).

IT IS SO ORDERED this 10th day of May, 2022.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE
for the Court